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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,799	02/25/2002	Phillip R. Sommer	IPHO/0005.02	3961

25223 7590 02/26/2004

WHITEFORD, TAYLOR & PRESTON, LLP
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SEVEN SAINT PAUL STREET
BALTIMORE, MD 21202-1626

EXAMINER

DOAN, JENNIFER

ART UNIT PAPER NUMBER

2874

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,799

Applicant(s)

SOMMER ET AL.

Examiner

Jennifer Doan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-28 is/are allowed.
- 6) ☒ Claim(s) 1,4,6-11 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,12-14 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>0203</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This application is a continuation of 10/038,093, filed on January 4, 2002, now U.S. Patent 6,628,886.

Drawings

1. The drawings, filed on 02/25/2002, are accepted.

Specification

2. Applicants' cooperation is requested in correcting any errors of which applicants may become aware in the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 4, 6-11 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou et al. (U.S. 2001/0004412).

Chou et al. disclose (Figs. 1A-9) a method and an apparatus of a component installation to assemble a plurality of components onto a plurality of fiber optic cables being processed within a multi-stage integrated optical component processing system, comprising at least one component dispensing tool adapted to regulate dispensing of the optical components from the component dispensing tube ([0029], lines 11-16 and [0042]); and a component transfer tool rotatably coupled to at least one robot, wherein the component transfer tool and at least one robot are configured to cooperatively receive at least one of the plurality of components from the at least one component dispensing tool, rotate the at least one of the plurality of components to a transfer position, and transfer the at least one of the plurality of components onto at least one of the plurality of fiber optic cables ([0029], [0042], [0043], [0044] and [0046]); wherein the at least one component dispensing tool comprises a nest plate (32) moveable between a component loading position and a component transfer position and being adapted to receive the at least one of the plurality of components; wherein the component transfer tool further comprises a component holding shaft adapted to receive the at least one of the plurality of components and move between a component loading position and a

component transfer position ([0029]); wherein positioning the component feeder comprises positioning a nest plate in a component loading position ([0045]).

Chou et al. disclose all the limitations of the claimed invention except for transferring the optical component onto the fiber optic cable. However, a step of transferring the optical component onto the fiber optic cable is considered to be obvious, since, notice that Chou et al. conversely teach a step of transferring the fiber optic cable onto the optical component; and the step of transferring the fiber optic cable onto the optical component or transferring the optical component onto the fiber optic cable does not change the function of the optical connection. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Chou's device with the step of transferring the optical component onto the fiber optic cable. Doing so would facilitate the manufacture of the optical fiber connector and reduce the optical transmission loss.

Allowable Subject Matter

6. Claims 2, 3, 5, 12-14 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 20-28 are allowed.

The prior art fails to disclose or reasonably suggest a method and an apparatus of a component installation wherein the dispensing tool comprises at least one elongated component dispensing tube configured to longitudinally store the plurality of

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components and sequentially dispense individual ones of the plurality of components therefrom; wherein the at least one component dispensing tool further comprises a pneumatic thruster adapted to raise and lower the nest plate to facilitate component dispensing; wherein transferring the optical component to the component transfer tool comprises inserting a component holding shaft through an axial opening of the optical component and rotating the shaft to align the axial opening of the optical component with the longitudinal axis of the fiber optic cable.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pryor (U.S. Patent 4,460,826), Watanabe et al. (U.S. Patent 5,069,524), Garriss (U.S. Patent 5,163,107), Shigeyoshi et al. (JP-58165980) and Song et al. (U.S. Patent 5,926,594) disclose an optical fiber connector with a robot.

8. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 02/25/2003, have all been considered and made of record (note the attached copy of form PTO-1449).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00am to 3:30pm, second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone

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number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jennifer Doan

JD
February 12, 2004

Phan T. H. Palmer

**PHAN T. H. PALMER
PRIMARY EXAMINER**